



St Swithun's School Winchester

incorporating St Swithun's School, St Swithun's Prep School
and the Early Years Foundation Stage

Complaints procedure: Parents (See Annex B for pupils' complaints)

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Complaints procedure: Parents

1. Introduction

The School has long prided itself on the quality of the teaching and pastoral care provided to its pupils and the relationships it establishes with parents. However, if current parents or pupils do have a complaint, they can expect it to be treated by the School in accordance with this Complaints Procedure. St Swithun's School makes its Complaints Procedure available to all parents of pupils and of prospective pupils on the School's website and in the School office during the school day, and will ensure that parents of pupils and of prospective pupils who request it are made aware that this document is published or available and of the form in which it is published or available, and of the number of complaints registered under the formal procedure during the preceding school year. In accordance with paragraph 32(1) of Schedule 1 to the Education (Independent School Standards) Regulations 2014, St Swithun's School will also make available, on request, to Ofsted, the Department for Education (DfE) or the Independent Schools Inspectorate (ISI), details of this Complaints Procedure and the number of complaints registered under the formal procedure during the preceding school year.

Although this Procedure is made available to parents of prospective pupils, it is not available for use by them; it may only be used by parents of current pupils. It may also be used by pupils who are current boarders to raise their own complaints about boarding provision.

Complaints by parents of former pupils will be dealt with under this Complaints Procedure only if the complaint was initially raised when the pupil to which the complaint relates was still registered as a pupil at the School.

"Parent(s)" means the holder(s) of parental responsibility for a [current] [or prospective] pupil about whom the complaint relates.

The process for dealing with staff complaints or grievances is contained in the Grievance Procedure (Policy 26) at the following [Link](#).

While there is no legal definition of a complaint, the dictionary definition is: an expression of dissatisfaction; the utterance of a grievance; a formal accusation. It may be made about the School as a whole, about a specific department or about an individual member of staff. From a School perspective, any matter about which a parent of a pupil is unhappy and seeks action by the School is a complaint. A formal complaint is judged to be *"A formal written expression of serious dissatisfaction by a parent or pupil with an aspect of the School, on which the parent or pupil requests some action to be taken and which, having been unresolved informally, proceeds to the formal stage of the process given below."*

Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them. There may also be other circumstances in which the School is required to share information relating to a concern or a complaint in order to comply with its legal or regulatory obligations.

The School is here for your child and you can be assured that your child will not be penalised for a complaint that you [or your child] raise[s] in good faith.

2. The Three-Stage Complaints procedure

The following sections cover the process by which any complaint will be addressed. It is focussed on parental complaints but the principles described apply to any complaint received. Attached to this policy is a pupil version of the procedure they should follow in order to make a complaint.

3. Stage 1 – Informal resolution

- a. It is hoped that most complaints and concerns (however initially communicated) will be resolved quickly and informally.
- b. If parents have a complaint they should normally contact their daughter's head of department, form tutor or housemistress/master as appropriate. In many cases, the matter will be resolved straightaway by this means to the parents' satisfaction. If the member of staff cannot resolve the matter alone, it may be necessary for him/her to consult the deputy head or headmistress.
- c. Complaints made directly to the headmistress or a deputy head, will usually be referred to the relevant member of staff unless the headmistress or deputy head deems it appropriate for her / him to deal with the matter personally.
- d. The member of staff will make a written record of all concerns and complaints and the date on which they were received. Informal complaints should be dealt with as quickly as possible and within 7 working days. Should the matter not be resolved within seven working days¹ or in the event that the member of staff and the parent fail to reach a satisfactory resolution then parents will be advised to proceed with their complaint in accordance with Stage 2 of this procedure.

4. Stage 2 – Formal resolution

- a. If the complaint cannot be resolved on an informal basis, then the parents should put their complaint in writing to the headmistress. She will decide, after considering the complaint, the appropriate course of action to take.
- b. In most cases, the headmistress will speak to the parents concerned, as soon as possible and within seven working days² of receiving the complaint, to discuss the matter. If possible, a resolution will be reached at this stage.
- c. It may be necessary for the headmistress, or their nominee, to carry out further investigations.
- d. The headmistress will keep written records, for a minimum of 3 years, of all discussions and interviews held in relation to the complaint.
- e. Once the headmistress is satisfied that, so far as is reasonable, all of the relevant facts have been established, a decision will be made and parents will be informed of this decision in writing. The Headmistress will also give reasons for her decision.

¹ This period may be extended during holidays or if either the complainant or member of staff is unavailable during the period following the complaint being raised. In such cases every attempt should be made to minimise delay in responding. If the matter cannot be resolved within 7 working days the Headmistress or Deputy Head is to be informed.

² This period may be extended during holidays or if either the complainant or Headmistress is unavailable during the period following the complaint being raised. In such cases every attempt should be made to minimise delay in responding. If necessary a member of the Senior Management Team may deputise for the Headmistress.

f. If parents are still not satisfied with the decision, they should proceed to Stage 3 of this Procedure.

5. Stage 3 – Panel hearing

a. If parents seek to invoke stage 3 (following a failure to reach an earlier resolution), they will be referred to the bursar, who has been appointed by the Governors to call hearings of the Complaints panel.

b. The matter will then be referred to the Complaints panel for consideration. The panel will consist of at least three persons not directly involved in the matters detailed in the complaint, one of whom shall be independent of the management and running of the School; guidance is offered at Annex A. Each of the Panel members shall be appointed by the Chair of Governors. The bursar, on behalf of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 14 working days.

c. If necessary, the panel should consider the parent's complaint in his/her absence, even if he/she decides not to attend, and issue findings on the substance of the complaint, thereby bringing the matter to a conclusion. The requirement for the panel to proceed does not prevent the School from accommodating parental availability for dates or considering comments concerning panel composition.

d. If the Panel deems it necessary, it may require further particulars of the complaint or any related matter to be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 3 working days prior to the hearing.

e. The parents may attend the hearing and be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate. The Panel will decide whether it would be helpful for witnesses to attend. The remit of the Panel shall be at the discretion of the Chair of Governors and the manner in which the hearing is conducted shall be at the discretion of the Panel.

f. If possible, the Panel will resolve the parents' complaint immediately without the need for further investigation.

g. Where further investigation is required, the Panel will decide how it should be carried out. After due consideration of the merits of the complaint and all facts they consider relevant, **the Panel will make findings as to whether or not the Stage 2 decision was a reasonable one and decide whether to:**

- dismiss the complaint(s) in whole or in part;
- uphold the complaint(s) in whole or in part; and
- make recommendations

h. The Panel will write to the parents informing them of its decision and the reasons for it, **within 5 working days of the hearing** (although additional time may be required if it is necessary to carry out further investigations following the hearing). The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents, and, where relevant, the person complained about as well as the Chair of Governors and the Stage 2 decision-taker. A copy of the Panel's findings and recommendations (if any) will also be available for inspection on the School premises by the Chair of Governors and the headmistress.

- i. While the constituent stages of a formal complaint procedure may extend beyond their target timescale, the school will make every effort to ensure that the period between the lodging of a complaint and its resolution does not exceed 40 working days.
- j. A written record will be kept, for a minimum of 3 years, of all complaints that proceed to the formal stage and will include:
 - i. whether they are resolved following a formal procedure, or proceed to a panel hearing; and
 - ii action taken by the School as a result of those complaints (regardless of whether they are upheld); and
- k. The findings of any complaints proceedings together with any correspondence, statements or records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 108 or 109 of the 2008 Act requests access to them, or where any other legal obligation prevails.

6. Timeframe for Dealing with Complaints

All complaints will be handled seriously, sensitively and within clear and reasonable timescales.

It is in everyone's interest to resolve a complaint as speedily as possible: the School's target is to complete the first two stages of the procedure **within 20 working days**. Stage 3, the Appeal Panel Hearing, will be completed **within a further 20 working days**.

Please note that, for the purposes of this procedure, **working days** refers to weekdays (Monday to Friday) during term time, excluding bank holidays and half term. This means that during School holidays it may take longer to resolve a complaint although the School will do what is reasonably practicable to avoid undue delay. It may also take longer to resolve a complaint during periods of significant disruption to School life or as a consequence of unavoidable staff absence, however deviation from the normal timescale for resolving a complaint during term time will only occur on an exceptional basis, and the School will take all reasonable steps to limit any such delay.

7. Persistent correspondence

Where repeated attempts are made by a parent to raise the same complaint after it has been considered at all three stages, this will be regarded by the School as vexatious and outside the scope of this procedure.

8. Recording Complaints and use of personal data

Following resolution of a complaint, the School will keep a written record of all formal complaints, whether they are resolved at the Stage 1 (informal stage),] the formal stage (Stage 2) or proceed to a Panel hearing (Stage 3) and any action taken by the School as a result of the complaint (regardless of whether the complaint is upheld).

The School processes data in accordance with its Privacy Notice [[Privacy Policy](#)]. When dealing with complaints, the School (including any Panel member appointed under the Stage 3 process) may process a range of information, which is likely to include the following:

- Date when the issue was raised
- Name of parent
- Name of pupil

- Description of the issue
- Records of all the investigations (if appropriate)
- Witness statements (if appropriate)
- Name and contact details of member (s) of staff handling the issue at each stage
- Copies of all correspondence on the issue (including emails and records of phone conversations)
- Notes/minutes of the hearing, and
- The Panel's written decision

This may include 'special category personal data' (as further detailed in the School's *Privacy Notice* and *Data Protection Policy*, but potentially including, for instance, information relating to physical or mental health) where this is necessary owing to the nature of the complaint. This data will be processed in accordance with the School's *Data Protection Policy*.

The School will keep records of formal complaints and Complaints Panel hearings, as required by regulation. It will do so in accordance with its Privacy Notice and Data Protection Policy. All records relating to complaints shall be treated as confidential. In addition to where requested by the Secretary of State or an inspector (see above), there may be other circumstances where disclosure of the substance of a complaint or particular confidential records relating to it is required, for example, where there is a legal, regulatory, safeguarding or data protection obligation (eg, in response to a subject access request) which prevails over the requirement to maintain the records as confidential.

9. Additional provisions

- a. **Complaints against or involving the headmistress.** Complaints against or involving the headmistress should be made to the Chair of Council, whose contact details are given on the school website.
- b. **Complaints procedure - boarding.** The provision of boarding places additional requirements upon the School. While National Minimum Standards (NMS) 18 no longer requires this complaints policy to be applicable to boarders, NMS 2 (Boarders induction and support) requires the School to identify an independent person and appropriate helplines whom boarders can contact directly about personal problems or concerns. Similarly NMS 17 requires the School to have in place opportunities for boarders to raise concerns and make complaints. Details are contained in Annex B.
 - i. Boarding Housemistresses are to maintain a written record of serious complaints and their outcomes for regular review by the Head or a senior member of staff.
 - ii. Complaints are resolved either to the complainant's satisfaction, or with an otherwise appropriate outcome which balances the rights and duties of pupils, without unreasonable delay;
 - iii. Pupils are not penalised for making a complaint in good faith.
- c. **Early Years Foundation Stage (EYFS).** Parents of EYFS children should follow the three stages of this Complaints Procedure. If parents remain dissatisfied and their complaint is about the School's fulfilment of the EYFS requirements, then parents may take their complaint to

the ISI or Ofsted. Parents will be notified by ISI or Ofsted of the outcome of the investigation into their complaint within 28 days of the complaint being received.

St Swithun's School will provide ISI/Ofsted, on request, with a written record of all complaints made during any specified period, and the action which was taken as a result of each complaint. The record of any such complaints will be kept in accordance with its Privacy Notice and Data Protection Policy .

Parents may complain directly to Ofsted or to ISI if they believe the provider is not meeting the EYFS requirements. Schools must make available details of how to contact Ofsted and/or the ISI:

Ofsted can be contacted on 0300 123 1231 or by email: enquiries@ofsted.gov.uk

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD

ISI can be contacted on 020 7600 0100 or by email: concerns@isi.net

[ISI, CAP House, 9-12 Long Lane, London EC1A 9HA](#)

10. Failure To Resolve A Complaint

If the complainant remains dissatisfied at the end of the above process, they are entitled to take their complaint to the Independent Schools Inspectorate (ISI) and / or OFSTED. It should be noted that ISI will expect a complainant to have sought redress through the School's own procedure before raising a concern. Contact details are as follows:

- **ISI**
Independent Schools Inspectorate
CAP House
9-12 Long Lane
London EC1A 9HA

Tel: +44(0)20 7600 0100
Email: info@isi.net
Website: www.isi.net

- **OFSTED**
Piccadilly Gate
Store Street
Manchester
M1 2WD

Email enquiries@ofsted.gov.uk
Enquiries 0300 123 1231
About schools 0300 123 4234
About concerns 0300 123 4666
Fax 0300 123 3159
The helpline is open Monday to Friday from 8.00am to 6.00pm.

Details of the number of formal complaints raised will be posted on the school website

M J Gamble
Bursar

Appendices:

- A. Complaints Procedure – Independent Member of the Panel.
- B. Complaints Procedure – Pupils
- C. Number of complaints

Annex A: Complaints Procedure – Independent Member of the Panel

The DfE has given the following guidance on the identity of an independent panel member:

‘Our general view is that people who have held a position of responsibility and are used to scrutinising evidence and putting forward balanced arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the Police Force might be considered.’

Annex B: Pupils' Complaints Procedure – September 2016 Mr G Yates – Deputy Head Pastoral

The following notice is displayed throughout the School and provides pupils with guidance on how to raise a concern or complaint:

CONCERNS, PROBLEMS AND COMPLAINTS

We all have problems and difficulties from time to time and it is important that we learn to address them and find means of solving them.

The difficulties can range from concerns about essentially minor matters to serious problems about work or relationships with staff or fellow-pupils. A situation may arise when there is cause for serious complaint about unfair treatment, infringement of the rights of the individual or even abuse.

1. **Minor concerns** should be talked through with your Form tutor, housemistress or housemaster or the relevant member of staff. If you feel that it is a general issue, not merely a personal one, it can be discussed in the school forum.

2. You should always try to talk to someone about **any problem which is making you unhappy.**

Your friends or an older girl may be able to help, but sometimes you will need the help of an adult. In school your housemistress/housemaster, their deputy, your form tutor, the headmistress, deputy head or any member of staff to whom you feel you can talk comfortably will always listen to you. Concerns or problems revealed in this way will not be openly discussed in the staff room.

It may be more appropriate to talk to your parents, staff in the Health Centre, or the Chaplain. If you wish to talk to someone quite independent of school you could contact:

Independent Listener - Tina Reid:	Tel: 01962 862224
Or Janet Tomlinson	Tel:
or Child Line:	Tel: 0800 1111
or NSPCC helpline	Tel: 0808 800 5000
or ISI	Tel: 020 7600 0100
or Office of the Children's Commissioner	tel: 0800 528 0731
http://www.childrenscommissioner.gov.uk	
or Stonewall	Tel : 0800 0502020
or School counsellor	oconnorh@stswithuns.com

3. **If something is causing you such serious worry that you wish to make a formal complaint**, you should set out in writing the grounds for your complaint, sign it and give it to the headmistress, deputy head or head of boarding. Once the complaint has been formally made, the member of staff with whom it has been lodged will:

- (a) investigate fully the factual basis of the complaint;
- (b) interview other individuals involved to get an overall view of the perceptions and points of view which may be influencing the matter;
- (c) have a second meeting with the complainant to discuss the results of (a) and (b).

This meeting will be as soon as is reasonably possible and a record of the discussion agreed by both parties. You may bring a friend or other independent person with you to either or both of the

meetings. If the complaint is of a serious nature it may be necessary to ask an independent person to investigate it. This may be done at the request of the complainant or senior staff member.

Annex C. Complaints

There have been **no** senior school and **no** prep school formal complaints in the preceding school year.